UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,188	02/27/2004	Ulf R. Hanebutte	INT.P013	6945

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EXAMINER
LE, JOHN H

ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/789,188	HANEBUTTE, ULF R.
	Examiner	Art Unit	
	John H. Le	2863	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☐ Responsive to communication(s) filed on _____.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-7,9,11-19,21 and 23-28_ is/are rejected.

7) ☒ Claim(s) _8,10,20 and 22_ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _27 February 2004_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-2, 4-7, 18-19, 25, 26 are rejected under 35 U.S.C. 102(b) as being

anticipated by Thelander et al. (US 2003/0009705).

Regarding claims 1, 18, and 25, Thelander et al. disclose a method for managing

power data ([0008]), comprising: determining an amount of power used for a system

running an application over a first time period from an operating system (e.g. [0056],

[0058]-[0060]); determining an amount of power used for the system in a baseline state

over a second time period from the operating system (e.g. [0056], [0058]-[0060],

[0093]); and determining a net power consumption of the application from the amount of

power used for the system running the application and the amount of power used for the

system in the baseline state (e.g. [0056], [0093]).

Regarding claim 2, Thelander et al. teach subtracting a power capacity value of a

battery at an end of the first time period from a power capacity value of the battery at a

beginning of the first time period (e.g. Fig.4, [0044]-[0045]).

Regarding claim 4, Thelander et al. teach determining the amount of power used

for the system in the baseline state comprises subtracting a power capacity value of a

battery at an end of the second time period from the power capacity value of the battery

at a beginning of the second time period (e.g. Fig.15, [0093]).

Regarding claim 5, Thelander et al. teach determining the amount of power used

for the system in the baseline state comprises integrating a drain rate of the battery over

the second time period (e.g. Fig.4, [0044]-[0045]).

Regarding claim 6, Thelander et al. teach determining the net power

consumption of the application comprises subtracting the amount of power used for the

system in the baseline state over the time period from the amount of power used for the

system running the application over the time period (e.g. Fig.4, [0044]-[0045]).

Regarding claims 7, 19, and 26, Thelander et al. teach determining the net power

consumption of the application comprises computing a first net power value using power

capacity data and a second net power data using drain rate data (e.g. Fig.4, [0044]-

[0045]).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thelander

et al. (US 2003/0009705) in view of Mantani (US 2003/0226049).

Regarding claim 3, Thelander et al. teach determining the amount of power used for the system running the application comprises integrating a drain rate of the battery over the first time period.

Mantani teaches determining the amount of power used for the system running the application comprises integrating a drain rate of the battery over the first time period (e.g. [0089], [0092]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform determining the amount of power used for the system running the application comprises integrating a drain rate of the battery over the first time period as taught by Mantani in a method for managing power data for the purpose of providing a control unit detects a change in the remaining power source energy in the specific state (Mantani, [0032]).

5.   Claims 9, 11, 12, 13-17, 21, 23-24, 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thelander et al. (US 2003/0009705) in view of Culbert et al. (US 5,600,841).

Regarding claims 9, 21, 27, Thelander et al. fail to determining a systematic error of power data (e.g. Col.7, lines 52-66).

Culbert et al. teach determining a systematic error of power data.

Regarding claims 11 and 23, Culbert et al. teach generating an indication if the systematic error exceeds a predetermined value (e.g. Col.8, lines 8-12).

Regarding claims 12, 24, 28, Culbert et al. teach providing a suggested run-time (e.g. Col.1, lines 41-47) to reduce the systematic error (e.g. Col.8, lines 8-12).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform determining a systematic error of power data as taught by Culbertet al. in a method for managing power data for the purpose of providing a system for controlling power in electronic devices (Culbert et al., Col.1, lines 11-14).

Regarding claims 13 and 17, Thelander et al. teach a method for managing power data, comprising: collecting power data for a system running an application from an operating system over a first time period (e.g. [0056], [0058]-[0060]); collecting power data for the system in a baseline state from the operating system over a second time period (e.g. [0056], [0058]-[0060], [0093]); determining whether the update frequency for the power data is sufficient; and determining a net power consumption of the application from the power data (e.g. [0056], [0093]).

Thelander et al. fail to teach determining whether the update frequency for the power data is sufficient.

Culbert et al. teach determining whether the update frequency for the power data is sufficient (e.g. Col.4, lines 33-38).

Regarding claim 14, Thelander et al. teach the first time period and the second time period are of equal duration (e.g. Fig.4).

Regarding claim 15, Culbert et al. teach transmitting an indication that the power data is invalid if the update frequency is insufficient (e.g. Col.8, lines 1-3).

Regarding claim 16, Culbert et al. teach determining a new run-time to run the application if the update frequency is insufficient (e.g. Col.8, lines 1-3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to inform determining whether the update frequency for the power data is sufficient as taught by Culbertet al. in a method for managing power data for the purpose of providing a system for controlling power in electronic devices (Culbert et al., Col.1, lines 11-14).

Allowable Subject Matter

6.   Claims 8, 10, 20, 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 8, none of the prior art of record teaches or suggests the combination of a method for managing power data, comprising: determining an amount of power used for a system running an application over a first time period from an operating system; determining an amount of power used for the system in a baseline state over a second time period from the operating system; and determining a net power consumption of the application from the amount of power used for the system running the application and the amount of power used for the system in the baseline state, wherein determining the net power consumption of the application comprises computing a first net power value using power capacity data and a second net power data using drain rate data, and generating an indication if the difference between the

first and the second net power values exceeds a threshold value. It is these limitations as they are claimed in the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claim 10, none of the prior art of record teaches or suggests the combination of a method for managing power data, comprising: determining an amount of power used for a system running an application over a first time period from an operating system; determining an amount of power used for the system in a baseline state over a second time period from the operating system; and determining a net power consumption of the application from the amount of power used for the system running the application and the amount of power used for the system in the baseline state; determining a systematic error of power data used for determining the amount of power used for the system running the application, wherein determining the systematic error comprises: determining an update granularity of the power data; and dividing the update granularity of the power data by the first time period. It is these limitations as they are claimed in the combination with other limitations of claim, which have not been found, taught or suggested in the prior art of record, that make these claims allowable over the prior art.

Regarding claim 20, none of the prior art of record teaches or suggests the combination of an article of manufacture comprising a machine accessible medium including sequences of instructions the sequences of instructions including instructions which when executed causes the machine to perform: determining an amount of power

used for a system running an application over a first time period from an operating

system; determining an amount of power used for the system in a baseline state over a

second time period from the operating system; and determining a net power

consumption of the application from the amount of power used for the system running

the application and the amount of power used for the system in the baseline state;

wherein determining the net power consumption of the application comprises computing

a first net power value using power capacity data and a second net power data using

drain rate data and wherein sequences of instructions including instructions which when

executed performs generating an indication if the difference between the first and the

second net power values exceeds a threshold value. It is these limitations as they are

claimed in the combination with other limitations of claim, which have not been found,

taught or suggested in the prior art of record, that make these claims allowable over the

prior art.

Regarding claim 22, none of the prior art of record teaches or suggests the

combination of an article of manufacture comprising a machine accessible medium

including sequences of instructions the sequences of instructions including instructions

which when executed causes the machine to perform: determining an amount of power

used for a system running an application over a first time period from an operating

system; determining an amount of power used for the system in a baseline state over a

second time period from the operating system; and determining a net power

consumption of the application from the amount of power used for the system running

the application and the amount of power used for the system in the baseline state;

wherein sequences of instructions including instructions which when executed performs

determining a systematic error of power data used for determining the amount of power

used for the system running the application and wherein determining the systematic

error comprises determining an update granularity of the power data; and dividing the

update granularity of the power data by the first time period. It is these limitations as

they are claimed in the combination with other limitations of claim, which have not been

found, taught or suggested in the prior art of record, that make these claims allowable

over the prior art.

Contact Information

7.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John H Le whose telephone number is 571-272-2275.

The examiner can normally be reached on 8:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E Barlow can be reached on 571-272-2269. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
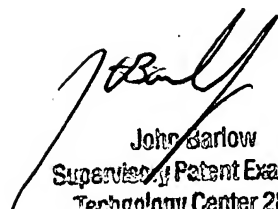
you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

John H. Le

Patent Examiner-Group 2863

July 11, 2005

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